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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,264	06/30/2005	Reed Heimbecher	000-040002US	6219
33486 7590 02/08/2007 HEIMBECHER & ASSOC., LLC P O BOX 33 HAMEL, MN 55340-0033			EXAMINER SINGH, RAMNANDAN P	
			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/541,264	Applicant(s) HEIMBECHER, REED	
	Examiner Ramnandan Singh	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>Jun. 30, 2005; April. 3, 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed on Jun. 30, 2005.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "the assigned telephone number" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Speeney et al [US 6,570,983 B1].

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Regarding claim 14, Speeney et al teach a method of identifying an incoming caller, the method comprising the steps of:

(1) identifying the assigned telephone number from which a telephone call originates [Fig. 4; col. 7, lines 54-61];

(2) checking a storage location for at least one announcement associated with the assigned telephone number, wherein the at least one associated announcement is recorded in the incoming caller's own voice [Figs. 3-4, step 440; col. 8, lines 35-40; col. 6, lines 17-28];

(3) selecting (i.e. retrieving) a first associated announcement from at least one announcement associated with the assigned telephone number [Fig. 4, step 460; col. 8, lines 36-39]; and

(4) playing the selected first associated announcement [Fig. 4, step 470; col. 8, lines 39-42].

6. Claims 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleck et al [US 6,728,354 B1].

Regarding claim 15, Fleck et al teach a method of identifying an incoming caller, the method comprising the steps of:

storing a plurality of announcements in a first memory location (8) [Figs. 1, 2A, 2B; col. 3, lines 46-64; col. 4, lines 10-19; col. 7, lines 18-23];

associating and plurality of announcements with a particular caller's

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telephone number [Figs. 1, 2A, 2B; col. 7, lines 28-34; col. 7, line 63 to col. 8, line 2];

monitoring a telephone line for an incoming call from the particular caller's

telephone number [col. 7, lines 28];

selecting, upon receipt of the incoming call from the particular caller's telephone number at a call-receiving party's telephone, a first announcement from the plurality of announcements associated with the particular caller's telephone number [Figs. 1, 2A, 2B; col. 7, lines 28-34; col. 7, line 61 to col. 8, line 2] ; and

playing the first announcement in lieu of the call-receiving party's telephone ringing [Figs. 1, 2B; col. 8, lines 3-11].

Claim 16 is essentially similar to claim 15 except for at least three aural announcements. Fleck et al teach the method suing multiple announcements that includes at least three aural announcements [col. 7, line 61 to col. 8, line 2].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al [US 6,728,353 B1] in view of Ojira [US 6,748,075 B2].

Regarding claim 1, Fleck et al teach a system for identifying an incoming caller to a call-receiving party, the system comprising:

(1) means for identifying a telephone number from which an incoming call has been placed [Fig. 1; col. 3, lines 46-64; col. 4, lines 10-19; col. 7, lines 18-23];

(2) means for associating a plurality of aural announcements with the identified telephone number, wherein the plurality of aural announcements identify the incoming caller to the call-receiving party [Fig. 1; col. 7, lines 28-34; col. 7, line 63 to col. 8, line 2].

Fleck et al do not teach means for selecting and playing, upon receipt of the incoming call, a first one of the plurality of aural announcement in response to receipt of a first selected ring pulse,

Ojiro teaches a telephone that reads out caller information between rings shown in Fig. 1, having means (i.e. Output-Time Monitor 16) for selecting the playing, upon receipt of an incoming call, a first one of the plurality of aural announcement in response to receipt a first selected ring pulse, and for selecting and playing a second one of the plurality of aural announcement in response to receipt of a second ring pulse [Figs. 1-4; col. 4, lines 49-67; col. 1, lines 48].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Ojiro with Fleck et al in order to enhance caller identification service for unregistered callers [Ojiro; col. 1, lines 24-25].

Regarding claim 2, Fleck et al teach a system for identifying an incoming caller to a call-receiving party, the system comprising:

means for storing a first plurality of selectable announcements [Fig. 1; col. 3, lines 46-64; col. 4, lines 10-19; col. 7, lines 18-23; col. 4, lines 25-30];

means for detecting connection of a first telephone call to a telephone line of the call-receiving party [Fig. 1; col. 7, lines 17-28];

means for determining a telephone number of the first telephone call upon the detecting means detecting connection of the first telephone call to the telephone line of the call-receiving party [Fig. 1; col. 3, lines 3-24];

means for associating the first plurality of selectable announcements with the telephone number of the first telephone call [Fig. 1; col. 7, line 61 to col. 8, line 10].

Ojiro teaches a telephone that reads out caller information between rings shown in Fig. 1, having means (i.e. Output-Time Monitor 16) for selecting the playing, upon receipt of an incoming call, a first one of the plurality of aural announcement in response to receipt a first selected ring pulse, and for selecting and playing a second one of the plurality of aural announcement in response to receipt of a second ring pulse [Figs. 1-4; col. 4, lines 49-67; col. 1, lines 48].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Ojiro with Fleck et al in order to enhance caller identification service for unregistered callers [Ojiro; col. 1, lines 24-25].

Claim 6 is essentially similar to claim 2 except for a system for aurally identifying an incoming caller before answering a telephone. Fleck et al teach a system shown in Fig. 1, for aurally identifying an incoming caller before answering a telephone [Figs. 1, 2A, 2B; col. 7, line 16 to col. 8, line 25].

Regarding claims 3 and 7, the limitations are shown above.

9. Claims 4-5, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fleck et al and Ojiro as applied to claims 2, 3 and 6 above, and further in view of McAllister et al [US 6,385,584 B1].

Regarding claim 4, the combination of Fleck et al and Ojiro does not teach expressly using a single selecting means to select an aural announcement from a plurality of selectable announcements randomly.

McAllister et al teach using a single selecting means(106) to randomly or pseudo-randomly select an aural announcement from a group of selectable

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announcements [Fig. 1; col. 3, line 61 to col. 4, line 49; col. 6, lines 1-19; col. 7, lines 8-40; col. 2, lines 40-64; col. 3, lines 12-24].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of McAllister et al with Ojiro and Fleck et al in order to enhance user interaction and minimize frustration [McAllister et al; col. 2, lines 9-14].

Regarding claims 5, 8-13, the limitations are shown above.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al as applied to claim 16 above, and further in view of McAllister et al [US 6,385,584 B1].

Regarding claim 17, Fleck et al do not teach expressly using a single selecting means to select an aural announcement from a plurality of selectable announcements pseudo-randomly.

McAllister et al teach using a single selecting means(106) to pseudo-randomly select an aural announcement from a group of selectable announcements [Fig. 1; col. 3, line 61 to col. 4, line 49; col. 6, lines 1-19; col. 7, lines 8-40; col. 2, lines 40-64; col. 3, lines 12-24].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of McAllister et al with Fleck et al in order to enhance user interaction and minimize frustration [McAllister et al; col. 2, lines 9-14].

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Birckbichler [US 5,796,806] teaches providing spoken identification of a telephone caller [Figs. 1-2; Abstract]; and

(ii) Beasley et al [US 6,804,443 B1] teach a method for dynamic message delivery based upon the identification of an originating caller [Figs. 1-9; Abstract].

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh
Examiner
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A handwritten signature in black ink, appearing to read 'RS Singh', with a long horizontal line extending from the end of the signature.